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Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

September 18, 2014

Mr. Jim Haught, MD-18E
Director Environment
ONE-Gas, Inc.
15 East 5th Street
Tulsa, OK 74103

RE: Kansas Department of Health and Environment Review, Technical Review Comment Responses and Revised Corrective Action Study (CAS), Former Manufactured Gas Plant (FMGP), Concordia, Kansas

Dear Mr. Haught:

The Kansas Department of Health and Environment (KDHE) has completed technical review of the referenced documents (July 14, 2014) prepared on behalf of ONE-Gas, Inc., by Burns and McDonnell Engineering Company, Inc. (BMCD) and approves the responses and revisions as provided in the revised CAS. No further revision is necessary.

KDHE does however, desire to make a single clarification to verbiage used in the responses and revised CAS. On page 3-1, section 3.1 (the only paragraph) the text reads as follows:

“As discussed previously in Section 2.3, soil remediation activities have already been completed at the Site in 2008, and the Site was issued a “*No Further Action for Soil*” [ed. Emphasis added] letter in January 2010.”

This is not an accurate statement and is in fact contrary to Kansas Statute. The State Cooperative Program (SCP), for the State of Kansas is not allowed [by statute] to issue “No Further Action” determinations. The SCP can issue “resolved” status for projects that have satisfied all enforcement instrument (e.g. Consent Order) requirements. However, KDHE did issue in January 2010 a letter indicating that “no further remediation for soil”. This determination was contingent on ONE-Gas, Inc., satisfying various conditions, for example maintaining the restrictions identified in the Environmental Use Control Agreement. Therefore, KDHE requests that ONE-Gas, Inc., use correct verbiage in all remaining FMGP projects when referring to no further remediation requirements for soil.

If you have questions or comments please contact me at my work telephone no. (785) 296-8986 or my electronic-mail address johncook@kdheks.gov.

Sincerely,

John K. Cook, P.G.
Professional Geologist
Remedial Section/Site Restoration Unit
Kansas Department of Health and Environment

BER SCANNED

SEP 18 2014

cc: Maura O'Halloran > J. Cook > KDHE/BER file C5-015-70031 8.2